

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS PAUL WILLIAMS,

Plaintiff,

v.

DANIEL YANISCH, *et al.*,

Defendants.

Case No. C05-5195FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION


The Magistrate Judge recommends that this matter be dismissed without prejudice, as Plaintiff is challenging the legality of his continued confinement in this action, and such challenge must proceed by way of habeas corpus. Plaintiff has filed objections implying that the Magistrate Judge's recommendation is not in line with precedent on this issue.

The Court having reviewed the Report and Recommendation, the Plaintiff's objections, and being fully advised, concludes that Plaintiff's objections are not well taken. ACCORDINGLY,

IT IS ORDERED:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint is **DISMISSED WITHOUT PREJUDICE** prior to service.
- (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon J. Kelley Arnold.

DATED this 25th day of May, 2005.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE